

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
EASTERN DIVISION**

LuAnne Janssen, as Personal Representative of
the Estate of Warren S. Lindvold,

Plaintiff,

-vs-

City of Valley City,
Christopher Olson,
Wade Hannig,
Barnes County,
Barnes County Sheriff Randy McClaflin,
Julie Forsman,
Jenna Jochim,
Richard Chase,
Bruce Potts,
Jesse Burchill,
Barnes County Ambulance, Inc.,
National Medical Resources, Inc.,
Mercy Hospital of Valley City d/b/a CHI
Mercy Health,

Defendants.

Civil No. 3:19-cv-79

**MOTION TO COMPEL PLAINTIFF TO
FULLY AND COMPLETELY RESPOND
TO VALLEY CITY DEFENDANTS'
DISCOVERY REQUESTS**

Defendants, City of Valley City, Christopher Olson, and Wade Hanning (hereafter “Valley City Defendants”), by and through their undersigned counsel, hereby move to compel the plaintiff to fully and completely respond to the following interrogatories and requests for production of documents (hereafter collectively referred to as “discovery requests”)¹ served upon the plaintiff on May 15, 2020:

A. Interrogatories 2 thru 5, 8, 9 and 22 thru 25;

B. Document requests 1 thru 4.

¹ We are attaching as Exhibits A1 and A2 the initial discovery responses from plaintiff dated June 12, 2020 to those discovery requests. Those discovery responses incorporate the interrogatories (A1) and document requests (A2) served on May 15, 2020. Lastly, we are attaching as Exhibits B1 (interrogatories) and B2 (document requests) the supplemental discovery responses served by the plaintiff on August 3, 2020. We note in passing that the June 12, 2020 discovery responses were not signed by the plaintiff, but the supplemental discovery responses served on August 3, 2020 were signed.

In addition, the Valley City Defendants move the court for an order compelling the plaintiff to supplement her August 3, 2020 response to Interrogatory 18 consistent with what plaintiff's counsel agreed to do during the August 27, 2020 D.N.D. Gen. L.R. 37.1(B) conference with the Court.²

This motion is made pursuant to Rules 26, 33, 34 and 37 of the Federal Rules of Civil Procedure. The parties have complied with D.N.D. Gen. L.R. 37.1, conducting a Rule 37.1(A) conference call between counsel for the plaintiff and the Valley City Defendants, as well as counsel for the Barnes County Defendants,³ on July 20, 2020; and a Rule 37.1(B) conference call including counsel for all parties and Magistrate Judge Senechal commencing on August 26, 2020 and concluding on August 27, 2020. At the conclusion of the Rule 37.1(B) conference call Magistrate Judge Senechal gave the Valley City Defendants permission to file a motion to compel with respect to the matters discussed during the Rule 37.1(B) conference. See Court Minute Entry (Doc. 65).

Served herewith, and incorporated herein by reference as if fully set forth, is a brief in support of this motion. Based upon the foregoing, and the arguments set forth in the accompanying brief, the Valley City Defendants respectfully request that the Court enter an Order as follows:

1. Granting the Valley City defendants motion to compel;

² Attached here to as Exhibit C is an email exchange between the undersigned counsel for the Valley City Defendants and the plaintiff's counsel concerning plaintiff's response to Interrogatory 18.

³ We note that the plaintiff has responded to the Barnes County Defendants' discovery requests with similar objections to those raised by the plaintiff to the Valley City Defendants' comparable discovery requests. Hence, the Barnes County Defendants have joined the Valley City Defendants attempts at seeking full and complete responses to those comparable discovery requests.

2. Directing the plaintiff to provide full, complete and substantive responses to the Valley City Defendants interrogatories 2 thru 5, 8, 9 and 22 thru 25;
3. Directing the plaintiff to supplement her response to interrogatory 18 consistent with what plaintiff's counsel agreed to do during the D.N.D. Gen. L.R. 37.1(B) conference with the Court.
4. Directing the plaintiff to provide full, complete and substantive responses to the Valley City Defendants document requests 1 thru 4, and providing all of the requested documents;
5. Awarding the Valley City Defendants their reasonable attorney fees incurred in bringing this motion to compel, in an amount to be determined following the Court's decision with respect to this motion.

Dated this 11th day of September, 2020.

PEARSON CHRISTENSEN, PLLP

/s/ Ronald F. Fischer

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Attorneys for City of Valley City, Christopher
Olson, and Wade Hanning

CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2020, the following document:

- **MOTION TO COMPEL PLAINTIFF TO FULLY RESPOND TO VALLEY CITY DEFENDANTS' DISCOVERY REQUESTS, WITH EXHIBITS A1, A2, B1, B2 AND C**
- **BRIEF IN SUPPORT OF MOTION**

was filed electronically with the Clerk of Court through ECF and I further certify that a copy of the foregoing document will be served through ECF to the following ECF participants:

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DATED this 11th day of September, 2020.

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